

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,  
ET AL.,

Defendants.

No. 12-cv-2039 (GAG/PG)

**UNITED STATES' MEMORANDUM ON COMPLIANCE ISSUES RELATED TO  
OFFICER ABSENTEEISM**

COMES NOW, Plaintiff, the United States of America, and respectfully submits its Memorandum on Compliance Issues Related to Officer Absenteeism in compliance with this Court's Order of December 20, 2017. ECF No. 681. In its Order, the Court "expressed its concern" regarding the impact of unprecedented absenteeism by sworn officers of the Puerto Rico Police Bureau (PRPB) on Defendants' compliance with the Agreement for the Sustainable Reform of the Puerto Rico Police Department (Agreement, ECF No. 60). The Court instructed the United States to outline all issues related to officer absenteeism in anticipation of the Technical Compliance Advisor's (TCA) next site visit during the week of January 22, 2018.

Officer absenteeism, including any related terms or conditions of employment, are not covered directly by the Agreement. However, as noted by the Court, the unprecedented level of absenteeism reported recently presents significant challenges to the Commonwealth that may hinder or impair its efforts to comply with the Agreement. These efforts include recovering from the devastating impact of Hurricane Maria in order to resume compliance-related activities, such as training and administrative investigations, which the Parties addressed in a Joint Informative

Motion to the Court on December 1, 2017. ECF No. 656. In the Joint Informative Motion, the Parties explained that they would continue to evaluate critical areas of the Agreement and related Action Plans, including assessing the availability of personnel, to determine whether any modifications to existing implementation timeframes are necessary. *Id.* at 6-7. Thus, the issues outlined below include the 20 areas identified by the Parties and the TCA in the Joint Informative Motion as critical to the implementation of the Agreement.

The United States recognizes that there may be multiple causes for the level of absenteeism reported by the press recently.<sup>1</sup> The United States also recognizes that the Commonwealth has reportedly taken steps to address the high level of absenteeism. By outlining the issues below, the United States does not take a position at this time on the apparent causes of the absenteeism, the efficacy of the Commonwealth's responses, or the impact of absenteeism on the Commonwealth's ability to comply with the Agreement. The issues outlined below are intended to identify additional information that the Commonwealth should provide to the United States and the TCA in order to evaluate potential barriers to compliance and potential solutions to ensure continued implementation of the Agreement. These solutions may include modifications to existing timeframes, as indicated in the December 1 Joint Informative Motion. Other potential solutions may be beyond the scope of the Agreement.

The United States seeks additional information on the issues outlined below, which include those critical areas of the Agreement that are under evaluation following the passage of Hurricane Maria:

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<sup>1</sup> News reports indicate that more than 2,000 officers have been absent throughout Puerto Rico on specific days since November 2017. *See, e.g., Sigue en aumento el ausentismo en la Policía*, El Vocero (Dec. 17, 2017); *Ausentismo con sensación a inseguridad*, El Nuevo Día (Dec. 27, 2017).

1. The level of absenteeism by officers for each month from December 2016 through December 2017.
2. The causes of the current absenteeism.
3. The steps taken by the Commonwealth to address the current absenteeism.
4. An assessment of the impact of current absenteeism on the following areas related to the Agreement and Action Plans, as set forth in the Joint Informative Motion of December 1, 2017:
  - a. Restoring reliable communications, pursuant to Activity 6 of the Policies and Procedures Action Plan. Action Plans at 106, ECF No. 550-1
  - b. Restoring information systems, pursuant to Paragraphs 218-223 of the Agreement
  - c. Completing the staffing and resource allocation study and implementing the staffing plan, pursuant to Paragraph 13 of the Agreement
  - d. Completing investigations of civilian complaints, pursuant to Paragraphs 177-193 of the Agreement
  - e. Resuming force reviews and investigations, pursuant to Paragraphs 40-52 of the Agreement
  - f. Restoring computer-aided dispatch systems, pursuant to Activity 1.2 of the Technology and Information Systems Action Plan. Action Plans at 263-264, ECF No. 550-1
  - g. Resuming training, pursuant to Paragraph 237 of the Agreement
  - h. Rebuilding the Police Academy
  - i. Reviewing the condition of shooting ranges, pursuant to Activity 1.1(d) of the Use of Force Action Plan. Action Plans at 38, ECF No. 550-1
  - j. Instituting virtual training, pursuant to Activity 1.5 of the Technology and Information Systems Action Plan. *Id.* at 272-273
  - k. Coordinating emergency-related training
  - l. Determining completion dates for training courses resuming on January 15, 2018
  - m. Re-convening civilian interaction committees and public information meetings, pursuant to Paragraphs 209 and 215 of the Agreement

- n. Resuming development of crisis intervention teams, pursuant to Paragraphs 56-57 of the Agreement
- o. Resuming reorganization of the Drug Units, pursuant to Activity 1.6 of the Policies and Procedures Action Plan. Action Plans at 100, ECF No. 550-1
- p. Conducting a PRPB organic transportation readiness capability assessment
- q. Conducting a PRPB personnel wellness assessment review
- r. Conducting a PRPB budget analysis for recovery operations and reform
- s. Conducting a PRPB sustainment capability assessment (Buildings)
- t. Conducting a PRPB special units training and capabilities assessment (Canine, Mounted Police, Special Weapons and Tactics, and Tactical Operations Division)

The United States plans to participate in the upcoming site visit by the TCA during the week of January 22, 2018, and join in the discussion of the issues outlined above. The United States understands that additional issues may arise if additional changes to the level of absenteeism occur in the interim and will supplement the issues, as necessary.

Respectfully submitted, this 5th day of January, 2018,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th of January, 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties, counsel of record and the Technical Compliance Advisor on the service list to be served by electronic means.

s/Luis E. Saucedo  
LUIS E. SAUCEDO (G01613)  
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